

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rajeev A. JAIN et al.
Title: RAPIDLY DISINTEGRATING
SOLID ORAL DOSAGE FORM
Appl. No.: 10/667,470
Filing Date: 9/23/2003
Examiner: Brian Yong S. Kwon
Art Unit: 1614
Confirmation Number: 9048

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Elan Pharma International Ltd., having its principal place of business at Monksland, Athlone, County Westmeath, Ireland, formerly at Wil House, Shannon Business Park, Shannon, Co. Clare, Ireland, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/667,470, filed on September 23, 2003, which is a continuation of U.S. Patent Application No. 10/276,400, filed on January 15, 2003, which is a national phase entry of PCT Application No. PCT/US01/15983, filed on May 18, 2001, which claims priority to U.S. Patent Application No. 09/572,961, filed on May 18, 2000, now U.S. Patent No. 6,316,029, by virtue of an Assignment filed and recorded on January 15, 2003, on Reel/Frame 013668/0781, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,316,029, which issued on U.S. Patent Application No. 09/572,961,

filed May 18, 2000, by virtue of an Assignment filed and recorded on August 24, 2000, on Reel/Frame 011078/0762, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner, Elan Pharma International Ltd., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent No. 6,316,029, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that U.S. Patent No. 6,316,029 and any patent granted on the above identified patent application are commonly owned, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent No. 6,316,029 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent No. 6,316,029 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent No. 6,316,029 as defined in 35 USC §§154-156 and 173, except for lack of common ownership as stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent No. 6,316,029, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the Assignments attached as APPENDICES A and B, and to the best of her knowledge and belief, ownership of the above identified patent application and U.S. Patent No. 6,316,029 rests with Petitioners, Elan Pharma International Ltd.. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date: April 28, 2010

By



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